



CITY COUNCIL

JAN SUMRALL
DISTRICT NO. 1

ROSE RODRIGUEZ
DISTRICT NO. 2

LARRY M. MEDINA
DISTRICT NO. 3

JOHN COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

LUIS G. SARIÑANA
DISTRICT NO. 7

ANTHONY COBOS
DISTRICT NO. 8

**REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
SEPTEMBER 4, 2002
9:00 A.M.**

The City Council met in regular session at the above place and date. Mayor Raymond C. Caballero present and presiding and the following Council Members answered roll call: Jan Sumrall, Rose Rodriguez, Larry M. Medina, John F. Cook, Daniel S. Power, Paul Joseph Escobar, Luis G. Sariñana and Anthony Cobos. Absent: None. Meeting was called to order and the invocation was given by Pastor John Curry, Harvest Christian Center Assembly of God, followed by the Pledge of Allegiance to the Flag of the United States of America, Mayor's Proclamations & Certificates.

1. American Heart Walk Day – 9/7
2. FTD Good Neighbor Day – 9/4
3. Conquistador Award and Proclamation to: Rich Beem
J.P. Hayes
4. Honorary Citizen - Ramon Flores

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No action was taken regarding the report from Ms. Richarda Momsen, Municipal Clerk.

Ms. Richarda Duffy Momsen, Municipal Clerk, presented Council Members with a Powerpoint presentation (on file in the Municipal Clerk's Office) and elaborated on the many aspects pertaining to the estimated number of case filings for the year, traffic tickets, and traffic ticket court dates and elaborated on the consequences of not appearing before the Judge on the designated court date. She explained the different methods of payment for tickets and the amount of funds generated. She noted that individuals may request the defensive driving class or appeal their ticket to a higher court.

Mayor Raymond C. Caballero commented on the numerous new responsibilities delegated to Ms. Momsen to include the duties of the City Clerk and the Records Management Department. He asked that citizens report any violations they might see and briefly mentioned the City street sweeping schedule and the interference of vehicles not properly parked. He thanked Ms. Momsen and her staff on a job well done.

Representative Cobos questioned the dollar value of outstanding warrants and questioned what preventive measures were in place.

Ms. Momsen responded approximately \$25 million in outstanding warrant debts and explained that arrest warrants were issued as part of the preventive measures. She added that the City utilizes a collection agency to assist in collecting the outstanding debts.

Representative Cobos requested Ms. Momsen provide a summary of the collection agency's debt collection and questioned what options were available for the public.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Lessor's Approval of Assignment between the City of El Paso, Texas (Lessor), and James E. Branson (50%) and Thomas Bray and Linda Micu (50%), together with related documents, for the following property: A portion of Lot 7 and 8, Block 5, El Paso International Airport Tracts, Replat "A", City of El Paso, El Paso County, Texas, municipally known and numbered as 6500 Boeing Dr.

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to execute an agreement between the City of El Paso and OpSanta, Inc., for the Operation Santa Claus parade and presentation of toys to El Paso children, which constitutes an important public purpose of benefit to the City and citizens of El Paso; and under the terms of which agreement the City will provide the necessary funds to cover the costs of the on-duty police traffic-control assistance, not to exceed twelve (12) on-duty police officers and twelve (12) vehicles for the parade.

Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the First Amendment to the Professional Services Agreement between the City of El Paso and BRACEWELL & PATTERSON, LLP extending the term of the agreement through August 31, 2003.

Representative Cobos questioned spending \$75,000 to hire federal lobbyists and noted that Council Members had not received documentation as to the progress of these individuals. Representative Cobos noted that he would like a list of projects they are working on before approving the Resolution.

Mr. Charlie McNabb, Chief Administrative Officer, noted that the individuals had been seeking federal funding for the City, specifically the \$1 million dollar Grant for the Plaza Theatre.

Mayor Raymond C. Caballero stated that Mr. Quinn Dodd had been present at previous Council meetings in addition to preparing reports and noted that the public had been made aware of the ongoing projects worked on by Bracewell & Patterson, LLP. He explained that the contract would expire August 31 and thanked the firm, Mr. Chapman and Mr. Dodd for their work during the budget appropriation season. He noted that the City would be receiving more funding from the federal government than from the State of Texas.

Representative Cobos noted that the budget appropriation season would begin in March and suggested Council Members schedule a Legislative Review Committee of the Whole meeting to focus on key issues. He suggested posting the appropriations on the City's website and questioned whether the lobbyists would be focusing on water issues.

Mr. McNabb described that the El Paso Water Utilities Public Service Board had hired their own lobbyists and added that the City had requested the Bracewell & Paterson firm to assist, if necessary. He added that the City had not specifically requested to address water issues, but rather transportation matters.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign all necessary documents and the Chief of Police be authorized to submit the on-line grant application and a follow-up letter for a grant award of an ITT Night Vision Kit provided by the Office of National Drug Control Policy through the Technology Transfer Program. The purpose of the equipment will be to assist the Police Department in nighttime surveillance in the prevention of crime and promotion of public safety. No cost to the City.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign all necessary documents and letters, including all understandings and assurances contained therein, and accept a grant award for a Texas Highway Traffic Safety Program Grant in the amount not to exceed \$56,152.00 from the Texas Department of Transportation, for the purpose of conducting monthly special traffic enforcement programs; that the Chief of Police be authorized to sign and submit any necessary revisions to the operational plan; that the grant officials be as designated in the agreement; and that the Mayor be authorized to execute on behalf of the City of El Paso, any grant amendments or corrections to the initial Grant Agreement which increase, decrease or deobligate program funds provided that no additional City funds are required, or which decrease the amount of matching funds, and any documents to request and accept an extension of the award ending date for the grant. In-kind match required in the amount of \$36,663.00.

Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the revisions to Paragraphs 4.1 and 6 in the Interlocal Agreement by and between the City of El Paso and the County of El Paso for the operation of the Greater El Paso Civic, Convention and Tourist Center to revise the schedule of payments, the indemnification clause and the insurance requirements, as set forth specifically on the Attachment to this Resolution, be approved and that the Mayor be authorized to sign the Agreement as revised.

Mr. Bill Chapman, Deputy CAO of Financial and Administrative Services/Chief Financial Officer explained that the Resolution was part of the final Agreement to secure monies from the County of El Paso and noted that the County had agreed to provide funding for the Convention and Visitor's Bureau.

Representative Sumrall questioned what legal recourse the City had in the event the County changed their mind and withdrew.

Ms. Elaine Hengen, Assistant City Attorney, responded that the City was presently finalizing the Agreement with the Commissioners Court, specifically matters pertaining to payment and insurance issues. She noted that in the event the County withdrew, the City Attorney's office would render an opinion on the matter at that time.

Representative Power questioned whether or not the City had entered into a new Interlocal Agreement with the County of El Paso.

Motion made by Representative Sumrall, seconded by Representative Cook and unanimously carried to approve the above Resolution.

***RESOLUTION**

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

*RESOLUTION

***RESOLUTION**

(a) A Health authority, unless otherwise restricted by law, may delegate a power or duty imposed on the health authority by the board, or by this or any other law, to a properly qualified physician who is employed by the public health district to act while the health authority is absent or incapacitated.

WHEREAS, John M. Tune, M.D. is not employed by the public health district;

NOW THEREFORE, BE IT RESOLVED

THAT the Resolution of City Council dated April 16, 2002, which authorized the appointment of John M. Tune, M.D. as the alternate health authority for the City and County of El Paso, Texas is hereby rescinded.

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Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

JOINT RESOLUTION

WHEREAS, the City and County of El Paso, Texas have appointed Dr. Jorge C. Magaña as the health authority, as set forth in Chapter 121, V.T.C.A. Health and Safety Code, and

WHEREAS, the City and County have determined that it is in the best interests of the resident of the City and County of El Paso, Texas to make provisions for an alternate health authority, in accordance with V.T.C.A. Health and Safety Code, §121.0451,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO AND THE COMMISSIONERS COURT OF THE COUNTY OF EL PASO, TEXAS THAT:

Upon taking the OATH OF OFFICE, Hector Ocarranza, M.D., be and is hereby appointed alternate health authority for the City and County of El Paso, Texas, for a term concurrent with that of the health authority, and he shall be entitled to act with the full authority of the health authority during the absence of the health authority from the City or County of El Paso, Texas.

Representative Sumrall stated that she had not received a copy of Dr. Ocarranza's resume.

Mayor Raymond C. Caballero explained that the doctor currently held a part time position.

Mr. Charlie McNabb, Chief Administrative Officer, further clarified that Dr. Tune was Chairman of the City/County Health District and not a City employee. He added that Dr. Ocarranza would act in the absence of Dr. Magaña.

Motion made by Representative Cook, seconded by Representative Sariñana and unanimously carried to approve the above Resolution.
Representative Escobar was not present for the vote.

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor is authorized to sign a Software Licensing Agreement and a Software Maintenance Agreement between the City of El Paso and APPLIED BUSINESS SOFTWARE, INC. for the licensing and maintenance of a loan servicing computer software package for use by the Department of Community and Human Development.

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement granting an Underground Electrical Easement to the El Paso Electric Company on a portion of Block 1, Sun Valley Subdivision, (Veteran's Park), El Paso County, Texas.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Library Director be authorized to sign an Exhibit Contract with Enrique M. Porras, Jr. covering an exhibit of "photos and written information about Los Madrugadores, a Mexican-American folk music group from 1920's and 1930's" at the Lower Valley Branch of the El Paso Public Library System for the period of September 13 through October 14, 2002. This exhibition is at no cost to the City.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Library Director be authorized to sign an Exhibit Contract with Juana Moreno covering an exhibit of "Manual Art with Aluminum and Foil Crafts" at the Westside Branch of the El Paso Public Library System for the period of September 27 through October 25, 2002. This exhibition is at no cost to the City.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Volunteer Services Contract between the **CITY OF EL PASO** and the following individuals, to assist the El Paso Public Library.

1. **PRISCILLA N. ARAGON**
2. **ANNA CAMACHO**
3. **CESAR LOPEZ**
4. **CAROLYN SUE MARSHALL**
5. **ENRIQUE M. PORRAS**

There is no cost to the City.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the following special events agreement for space in the El Paso Museum of Art. Licensee is requesting permission to serve alcohol in the premises.

Event:	Reception
Licensee:	J. O. Stewart, Jr.
Date:	September 14, 2002
Time:	10:00 p.m. - 12:00 a.m.
Charge for Space:	\$1,200.00
Charge for Staff (est):	\$200.00
Charge for Insurance:	\$40.00
Area(s):	Special Events

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the following special events agreement for space in the El Paso Museum of Art.

Event:	Meeting
Licensee:	The Toro Company
Date:	September 17, 2002
Time:	8:00 a.m. - 12:30 p.m.
Charge for Space:	\$500.00
Charge for Staff (est):	\$40.00
Charge for Insurance:	\$40.00
Area(s):	Auditorium

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Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

R E S O L U T I O N

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Schedule of User Fees prepared by the Director of the El Paso Parks and Recreation Department be accepted, pursuant to Section 13.24.200 of the El Paso Municipal Code.

Representative Sumrall made the suggestion that Spanish lessons be offered at the Polly Harris Senior Center or some other park site.

Mr. Ray Cox, Interim Director of Parks & Recreation Department, remarked that the department would investigate as to whether or not an instructor would be available to teach the class.

Mayor Raymond C. Caballero thanked the Parks & Recreation Department for making such services available to the public.

Motion made by Representative Cook, seconded by Representative Sumrall and unanimously carried to approve the above Resolution.

Representative Escobar was not present for the vote.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Independent Contractor contract on behalf of the Parks & Recreation Department. Funding for this contract is in Fiscal Year 2002-2003 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

MULTIPURPOSE RECREATION CENTER

DEPARTMENT ID: 51510032, ACCOUNT 502215

1. CONTRACTOR: Joe Cabrera, Discoteque
DATES: September 10, 2002 thru August 31, 2003
RATE PER CL: \$85.00
MAXIMUM AMT: \$1,020.00
CONTRACT: 2002/2003-056

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Interlocal Agreement between the City of El Paso and the El Paso Independent School District for the City, through its Parks & Recreation Department to conduct an after-school Neighborhood Youth Outreach Program for recreational services at the following EPISD locations: Aoy Elementary, Alamo Elementary, and Guillen Middle Schools effective from date signed through August, 2003.

*RESOLUTION

WHEREAS, the City of El Paso is a local affiliate of the Texas State Data Center; and

WHEREAS, the U.S. Census Bureau distributes important demographic information to the City of El Paso, through the Texas State Data Center; and

WHEREAS, U.S. Census Bureau is participating in a demographic seminar entitled "Census 2000: A Decade of Change – Understanding El Paso's Communities," sponsored by the University of Texas at El Paso on September 26, 2002; and

WHEREAS, this seminar is intended to increase public awareness of the 2000 Census Data and its demographic implications; and

WHEREAS, the City's presence at this seminar will advance community relations with the grant-writing public who use demographics to support their applications addressing the needs of El Paso; and

WHEREAS, the City wishes to provide financial assistance through rental of a display table that will help defray costs of holding the seminar; and

WHEREAS, the City Planning, Research & Development Department will utilize the display to showcase the redistricting process and maps recently adopted by the El Paso City Council based on 2000 Census data; and

WHEREAS, the El Paso City Council finds that its participation in the demographic seminar will support and enhance the partnerships with the Texas State Data Center, the U.S. Census Bureau and other census affiliates,

NOW, THEREFORE, BE IT RESOLVED:

1. **THAT** the El Paso City Council hereby supports participation by the City at the demographic seminar to be sponsored by the University of Texas at El Paso on September 26, 2002, and authorizes the Mayor to sign a display rental agreement at a total cost of Two hundred and no/100 dollars (\$200.00) to improve census affiliate cooperation. Rental of a display table by the City does not constitute co-sponsorship of the seminar. [Department ID 08010034-502115]

2. **THAT** the El Paso City Council hereby authorizes the City Planning, Research & Development Department to man the display table at the seminar and disseminate demographic information as needed.

***R E S O L U T I O N**

WHEREAS, the planning process allows municipalities to assess their needs and wants as a way to realize common values vital to the community well-being; and

WHEREAS, in municipal government, comprehensive planning encompasses all elements which affect its physical development with an interrelationship between the social and economic aspects of community life; and

WHEREAS, professional planning staff serve as the trusted advisors to the council, commission and the local citizenry in this effort; and

WHEREAS, the Planning, Research & Development Department of the City of El Paso, Texas serves as the local planning authority administering the goals, objectives and policies enumerated in its comprehensive plan, The Plan for El Paso; and

WHEREAS, the importance of planning will be highlighted in El Paso, Texas on October 2-5, 2002 when it will serve as the host city of the Texas/New Mexico American Planning Association (APA) Conference; and

WHEREAS, the West Texas Section of the APA will be the conference sponsor, whose membership consists mainly of employees of the Planning, Research & Development Department; and

WHEREAS, over 400 delegates from across the Paso del Norte region are anticipated to participate at the conference providing an opportunity for El Paso, through its Planning, Research & Development Department, to showcase its planning successes and challenges; and

WHEREAS, the West Texas Section of the APA desires that the City support this initiative by allowing the Planning, Research & Development Department to provide in-kind staff support throughout the conference; and

WHEREAS, primary funding for the conference will be provided by the local and state chapters of the APA, as well as from other donations and business sponsorships; and

WHEREAS, certain employees of the Planning, Research & Development Department, through its conference assistance, will be afforded an opportunity to attend, participate and receive needed professional training at sessions during the conference at no cost to the City; and

WHEREAS, the City offices of the Planning, Research & Development Department will remain open to the public at all times with no disruption in service,

NOW, THEREFORE, BE IT RESOLVED:

THAT the El Paso City Council hereby authorizes the Director of Planning and employees of the Planning, Research & Development Department to attend and lend staff assistance at the Texas/New Mexico APA Conference to be held on October 2-5, 2002 in El Paso, Texas. In-kind support will include, at a minimum: manning registration tables, handling audio/visual equipment setup, organizing and moderating mobile workshops, serving as conference hosts, and organizing and serving as session moderators and speakers. Employees of the Planning, Research & Development Department authorized to assist at the Conference shall be as determined by the Director of Planning.

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***R E S O L U T I O N**

WHEREAS, the Paso del Norte region includes counties and municipalities in three states and two countries; and

WHEREAS, it is necessary that these counties and municipalities collaborate in order to seek solutions to regional planning issues at a local, state and federal level; and

WHEREAS, it is imperative that public officials promote the region as one metroplex without borders; and

WHEREAS, the importance of regional planning will be highlighted in El Paso, Texas on October 2-5, 2002 when it serves as host to the Texas/New Mexico American Planning Association Conference (APA); and

WHEREAS, the West Texas Section of the APA is seeking an alliance of public officials in the region through the signing of a Memorandum of Understanding (MOU) at the Conference; and

WHEREAS, the MOU will promote increased communication and coordination at the regional level to serve, promote, and share resources; and

WHEREAS, the MOU goals are aimed at:

- Promoting a binational regional planning strategy that addresses water resources, transportation infrastructure, air quality, tourism, regional trade, and urban growth;
- Improving the level of communication between the counties and municipalities to seek regional cooperation and share diverse planning knowledge and practices;
- Seeking programs and projects intended as solutions for improving services within the region; and
- Forming working partnerships set to improve environmental, urban and socioeconomic initiatives,

NOW, THEREFORE, BE IT RESOLVED:

1. **THAT** the El Paso City Council hereby supports a strategic planning effort that will lead to positive relationships and joint initiatives to improve governmental cooperation in the Paso Del Norte region.

2. **THAT** the El Paso City Council hereby authorizes the Mayor to sign a Memorandum of Understanding with other county and municipal public officials in the Paso del Norte region at the Texas/New Mexico American Planning Association Conference to be held on October 2-5, 2002 in El Paso, Texas.

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***R E S O L U T I O N**

WHEREAS, by Order 13061, the President of the United States called for new approaches to federal stewardship of America's rivers based on partnerships created and managed by local communities; and

WHEREAS, the American Heritage Rivers Initiative (AHRI) was started to put forward locally-generated projects by securing resources needed to achieve objectives under the plans developed; and

WHEREAS, a presidential appointed selection panel was created to oversee the selection of AHRI river communities across the country; and

WHEREAS, the Rio Grande River was designated as one of fourteen American Heritage Rivers on July 30, 1998 from over 140 nominations received; and

WHEREAS, this designation substantially enhances the opportunities contemplated within the comprehensive plan of the City of El Paso for promoting park and economic development in the border region; and

WHEREAS, a renewed interest in the community led to the creation of the Rio Grande Task Force, organized with the mission of developing a program that enhances the open spaces along the river corridor, that improves the aesthetic condition of the river, that narrates the vibrant history of El Paso, and that maximizes the economic development and recreational opportunities within the border region; and

WHEREAS, the forty-plus member Rio Grande Task Force, staffed by the City Planning, Research & Development Department, has overseen a wide-ranging community involvement process for establishing priority and funding identification for segments of the park development; and

WHEREAS, the National Park Service has been an active participant in the Rio Grande Task Force and has assisted the City in the project development and implementation of the *Rio Grande Rivertrail*; and

WHEREAS, the National Park Service is offering assistance to the City Planning, Research & Development Department to pursue other efforts and increased citizen involvement in the project;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the El Paso City Council hereby authorizes the Mayor to sign an agreement between the City and the federal government (on behalf of the National Park Service) for use of office space in the City Planning, Research & Development Department throughout the month of September 2002 and during periodic site visits to El Paso through December 31, 2002. The National Park Service, in exchange for use of City office space, will provide staff assistance and expertise to the project development, funding source identification and citizen participation components of the *Rio Grande Rivertrail* project.

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*Motion made, seconded and unanimously carried to approve the request to fill the position(s) on a temporary basis in accordance with Article VI, Section 6.6-3, of the Civil Service Charter Provisions:

Custodial Worker (2)

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*Motion made, seconded and unanimously carried to remove Adrian Aragonés from the History Museum Board by Representative Escobar.

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*Motion made, seconded and unanimously carried to re-appoint Thelma "Sandi" Caviness to the Mayor's Advisory Board on Aging by Representative Sariñana.

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*Motion made, seconded and unanimously carried to re-appoint Francoise Feliberti to the History Museum Board by Representative Sariñana.

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*Motion made, seconded and unanimously carried to appoint Benita Neumann to the CVB Advisory Board by Mayor Raymond C. Caballero.

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*Motion made, seconded and unanimously carried to appoint Vicente V. Ordoñez to the Zoning Board of Adjustment by Representative Escobar.

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*Motion made, seconded and unanimously carried that the following tax refunds be approved:

- A.** Michael Beard, in the amount of \$1,000.00; overpayment of 2001 taxes.
(PID #L681-999-0060-4500)
 - B.** Donald L. Anderson, in the amount of \$881.16; overpayment of 2001 taxes.
(PID #T527-999-0440-5500)
 - C.** Jaime & Kathleen Chavando in the amount of \$606.22; overpayment of 2001 taxes.
(PID #U819-999-0040-3126)
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*Motion made, seconded and unanimously carried to approve budget transfer BT2002-1004 AIRPORT
To set up funding for replacement of runway closure sign.

Increase	\$34,000	to	62620020/P50000441022/508008	Major Equip
Increase	\$34,000	to	62620020/P50000441022/407001	Intrafund Trf In
Increase	\$34,000	to	62620018/P50000241021/407002	Est Revenue
Increase	\$34,000	to	62620018/P50000241021/507001	Intrafund Trf Out

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*Motion made, seconded and unanimously carried to approve the request of Operation Santa Claus to hold a toy delivery parade/ceremony on December 13, 2002 from 1:00 p.m. to 3:00 p.m. Route: Start at Pleasonton/Chelsea Gate, proceed on Chelsea to Paisano, proceed on Paisano, left on St. Vrain, right on Sixth to Florence. Streets blocked will be Sixth between Ochoa and Campbell, Florence between Seventh and Father Rahm, and Ochoa between Seventh and Father Rahm. Approximately 200 persons and 27 vehicles will take part and 150 spectators are anticipated. This request includes permission to use amplification (400 watt amp; 2 speakers; 30-piece band). PERMIT NO. 02-114

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*Motion made, seconded and unanimously carried to approve the request of Kris Johnson/MECHA -UTEP to hold a demonstration on September 10, 2002 from 12:00 p.m. to 2:30 p.m. Route: Sidewalks on east and west side of Santa Fee, from south of Wyoming to north of Main. Approximately 200 persons will take part. This request includes permission to use amplification (1 megaphone; bullhorn). PERMIT NO. 02-120

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*Motion made, seconded and unanimously carried to delete an Ordinance changing the zoning of a Portion of Lots 17, 18, 19 and 20, Block 3, MIRAFLOR ADDITION, El Paso, El Paso County, Texas (503 - 505 Estrella Street) from A-3 (Apartment) to C-1 (Commercial). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Elva Rocha / Representative: Luis de la Cruz, 9013 Lait Dr., El Paso, TX 79925. ZC-02025 **THIS IS AN APPEAL CASE.**

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*Motion made, seconded and unanimously carried to delete an Ordinance changing the zoning of Lot 57, Block 2, ALEXANDER, El Paso, El Paso County, Texas (326 Gonzales Street) from R-4 (Residential) to R-5 (Residential). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Daniel Alderete/ Representative: Luis de la Cruz, 9013 Lait Dr., El Paso, TX 79925. ZC-02026

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*Motion made, seconded and unanimously carried to delete an Ordinance changing the zoning of a Portion of Lots 12 & 13, Block 7, NORTH LOOP GARDENS NO. 1, El Paso, El Paso County, Texas (7813 North Loop Drive) from A-2 (Apartment) to C-4 (Commercial). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Joe Candelaria / Representative: Luis de la Cruz, 9013 Lait Dr., El Paso, TX 79925. ZC-02027 **THIS IS AN APPEAL CASE**

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*Motion made, seconded and unanimously carried to delete an Ordinance changing the zoning of Lot 12 and a Portion of Lot 13, Block 60, FRANKLIN HEIGHTS ADDITION, El Paso, El Paso County, Texas (1522 Montana Avenue) from A-2 (Apartment) to S-D (Special Development) and imposing certain conditions. The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Jorge Villa / Representative: Luis de la Cruz, 9013 Lait Dr., El Paso, TX 79925. ZC-02028

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*Motion made, seconded and unanimously carried to delete an Ordinance changing the zoning of the East ½ of Lots 11, 12 AND 13, Block 229, CAMPBELL ADDITION, El Paso, El Paso County, Texas, (606 East Mills Avenue) from M-1 (Manufacturing) to C-5 (Commercial). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant/Representative: Jorge Mora & Mauricio Mora, 3697 Desert Meadows, El Paso, TX 79938. ZC-02024

*Motion made, seconded and unanimously carried to delete an Ordinance granting Special Permit No. SU-02007 to allow for a parking reduction on the property described as the East 1/2 of Lots 11, 12 & 13, Block 229, CAMPBELL ADDITION, El Paso, El Paso County, Texas (606 East Mills Avenue), pursuant to Section 20.64.175, and the penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. ZONE: C-5 (Commercial). Applicant/Representative: Jorge Mora & Mauricio Mora, 3697 Desert Meadows, El Paso, TX 79938

ORDINANCE 15219

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.04 (ADMINISTRATIVE PROVISIONS), SECTION 20.04.150 (DESIGNATED); CHAPTER 20.08 (GENERAL DESIGN AND USE REGULATIONS), SECTION 20.08.201 (OUTDOOR FLEA MARKETS); AND CHAPTER 20.64 (OFF-STREET PARKING AND LOADING REQUIREMENTS), SECTION 20.64.180 (INTERPRETATION OF SPECIFIC REQUIREMENTS) OF THE EL PASO MUNICIPAL CODE, BY REVISING THE LANGUAGE IN THE ORDINANCE PERTAINING TO THE DUTIES OF THE ZONING ADMINISTRATOR AND THE PROCESS FOR SUBMITTING AN OUTDOOR FLEA MARKET PERMIT APPLICATION.**

Mr. Terry Williams, Director of Building Permits and Inspections, requested revisions to the Ordinance.

Representative Rodriguez stated that the \$500.00 processing fee/permit was not a sufficient amount and noted that flea markets draw trash from vendors/participants. She would like to see trashcans and dumpsters included in the Ordinance language.

Mr. Williams noted that minor modifications to the Ordinance were necessary as part of the budget and would inquire if language regarding trashcans and dumpsters might be included in the Ordinance language.

Mayor Raymond C. Caballero commented that fees were included in the Title 20 rewrite under the Building Zoning Advisory Committee and commented that fees regarding trashcans and dumpsters could be discussed and remedies would be noted.

Representative Sumrall questioned whether or not it was necessary to require fencing around flea market sites.

Representative Rodriguez noted that Ordinance language currently required individual vendors to have a trash receptacle; however, there does not seem to be a dumpster for the individual vendors to place their trash inside of.

Mayor Caballero questioned whether or not it would be possible to insist that the operators of the flea market be responsible for trash pick up and questioned what the fine might be.

Mr. Williams responded \$100.00 to \$150.00.

Representative Sariñana explained that an Ordinance had been passed in 1993 whereby Mobile Homes would not be allowed inside the City limits.

Mr. Williams explained that following the passage of the 1993 Ordinance there existed a 15 year grace period and that in 1993 the amortization expired.

There being no further public comment, the vote was taken.

Motion duly made by Representative Sumrall, seconded by Representative Escobar that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15220

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 14 (AIRCRAFT AND AIRPORTS), CHAPTER 14.08 (AIRPORT ZONING), SECTION 14.08.080 (BOARD OF ADJUSTMENT-- POWERS AND DUTIES), SECTION 14.08.090 (APPEALS TO BOARD OF ADJUSTMENT) AND SECTION 14.08.110 (ADMINISTRATIVE OFFICER DESIGNATED) OF THE EL PASO MUNICIPAL CODE, BY CLARIFYING THE DUTIES OF THE ZONING ADMINISTRATOR.**

There being no public comment, the vote was taken.

Motion duly made by Representative Sumrall, seconded by Representative Escobar that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15221

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.08 (GENERAL DESIGN AND USE REGULATIONS), SECTION 20.08.140 (HOME OCCUPATIONS) OF THE EL PASO MUNICIPAL CODE, BY RENAMING AND REVISING THE LANGUAGE IN THE ORDINANCE PERTAINING TO THE DUTIES OF THE DEPUTY DIRECTOR FOR BUILDING SERVICES.**

Representative Sumrall questioned the name of the individual occupying the position currently.

Mr. Terry Williams, Director of Building Permits and Inspections, explained that the Ordinance language pertained to his former title and that the Zoning Administrator position was currently vacant. He noted that the Zoning Board of Adjustments had been reorganized under the Planning Research and Development Department.

There being no further public comment, the vote was taken.

Motion duly made by Representative Cobos, seconded by Representative Cook that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

Council Member Medina was not present for the vote.

.....
ORDINANCE 15222

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 15 (PUBLIC SERVICES), CHAPTER 15.08 (STREET RENTALS), SECTION 15.08.120 (SPECIAL PRIVILEGE LICENSES) OF THE EL PASO MUNICIPAL CODE, BY TRANSFERRING THE ADMINISTRATION FROM THE PLANNING, RESEARCH AND DEVELOPMENT DEPARTMENT TO THE BUILDING PERMITS & INSPECTIONS DEPARTMENT, THE PENALTY BEING AS PROVIDED IN SECTION 15.08.125 (VIOLATION AND PENALTY) OF THE EL PASO MUNICIPAL CODE.**

There being no public comment, the vote was taken.

Motion duly made by Representative Sumrall, seconded by Representative Escobar that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

Council Member Medina was not present for the vote.

.....
ORDINANCE 15223

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.04 (ADMINISTRATIVE PROVISIONS), SECTION 20.04.060 (DEPARTMENT OF PLANNING, RESEARCH AND DEVELOPMENT) AND SECTION 20.04.070 (BUILDING SERVICES DEPARTMENT) OF THE EL PASO MUNICIPAL CODE, BY REASSIGNING THE ADMINISTRATION OF THE ZONING BOARD OF ADJUSTMENT TO THE PLANNING, RESEARCH AND DEVELOPMENT DEPARTMENT.**

There being no public comment, the vote was taken.

Motion duly made by Representative Cook, seconded by Representative Escobar that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

Council Member Medina was not present for the vote.

ORDINANCE 15224

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.04 (ADMINISTRATIVE PROVISIONS), SECTION 20.04.551.1 (FEE--HOME OCCUPATION PERMITS) AND CHAPTER 20.64 (OFF-STREET PARKING AND LOADING REQUIREMENTS), SECTION 20.64.100 (MAINTENANCE) OF THE EL PASO MUNICIPAL CODE, BY RENAMING AND CLARIFYING THE DUTIES OF THE DEPUTY DIRECTOR FOR BUILDING SERVICES.**

There being no public comment, the vote was taken.

Motion duly made by Representative Sumrall, seconded by Representative Escobar that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Cook, Power, Escobar, Sariñana and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

Council Member Medina was not present for the vote.

ORDINANCE 15225

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 5 (BUSINESS TAXES, LICENSES AND REGULATIONS), CHAPTER 5.60 (MOBILE HOME SALE DISCLOSURES), SECTION 5.60.020 (REQUIRED--CONTENT) OF THE EL PASO MUNICIPAL CODE, BY REVISING THE CONTENT OF THE NOTICE TO REFLECT THE TRANSFER OF THE ZONING ADMINISTRATOR TO THE PLANNING, RESEARCH AND DEVELOPMENT DEPARTMENT.**

See discussion on page 16, Ordinance 15219.

There being no public comment, the vote was taken.

Motion duly made by Representative Sumrall, seconded by Representative Escobar that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15226

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL), CHAPTER 2.16 (ZONING BOARD OF ADJUSTMENT), SECTION 2.16.060 (ADMINISTRATION) OF THE EL PASO MUNICIPAL CODE BY TRANSFERRING THE ADMINISTRATION OF THE BOARD FROM THE DEPARTMENT OF BUILDING SERVICES TO THE PLANNING, RESEARCH AND DEVELOPMENT DEPARTMENT.**

Motion duly made by Representative Cook, seconded by Representative Escobar that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
*Motion made, seconded and unanimously carried to delete the public hearing to determine if the property located at 704 N. Campbell Street, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owner of this property, Carmen Breach De Valenzuela, 7049 Westwind Drive #1313, El Paso, Texas 79912 and also P. O. Box 13045, El Paso, Texas 79913, has been notified of the violations at this property.
.....

.....
*Motion made, seconded and unanimously carried to delete the public hearing to determine if the property located at 1612 N. Oregon Street, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owners of this property, Zafer H. Haydar, 1020 S. Mesa Hills Apt. 4708, has been notified of the violations at this property.
.....

RESOLUTION

WHEREAS, Section 370.002, Local Govt Code, requires all cities to review their juvenile curfew ordinances every three years; and

WHEREAS, the City Council conducted its last review of the City's juvenile curfew ordinance in 1999; and

WHEREAS, the City Council has reviewed the effects of the City's juvenile curfew ordinance, Sections 10.20.010 through 10.20.054 of the City Code, on the community and its effect on juveniles, crime and crime victims; and

WHEREAS, the City Council has taken public comment at a public hearing held on September 4 2002, regarding the continued need for the ordinance.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Council approves the report presented by the Police Department regarding the effects of the curfew ordinance and its impact on juveniles, crime and crime victims and finds that the ordinance should continue in its present form.

Representative Medina questioned whether or not it was a requirement that a public hearing be held every three years.

Mr. Charlie McNabb, Chief Administrative Officer, responded that State statute required revisiting the Ordinance every three years.

Representative Escobar questioned whether or not it would be more appropriate to hold a Legislative Review Committee of the Whole meeting rather than discuss such a controversial topic during City Council meeting.

Mr. McNabb responded that if the public felt the need to revisit the issues; then it would be appropriate to hold the Legislative Review Committee of the Whole meeting.

Representative Sariñana noted that the young people of the community would like to use City facilities until midnight on weekends and he would rather see them utilize the City facilities than congregating on the streets.

Ms. Marilyn Howard, Eastside resident, spoke on behalf of her daughter and conveyed the message that there are not any activities for the City's young people and noted that the Curfew Ordinance discriminated against those young people who obey rules and regulations. She explained that El Paso would become a great retirement City as all the young people are leaving.

Representative Escobar noted that extending the curfew time does not give the young people more options; but rather for their protection and safety. Representative Escobar stated he would not be in favor of extending the curfew time.

Representative Sariñana suggested extending the time one hour on Friday and Saturday nights so that the young people might utilize the recreation centers and skateboard park. Representative Sariñana countered that gangs existed regardless of the Curfew Ordinance.

Officer Richard Wiles, El Paso Police Department, explained that the young people could be out later than the curfew Ordinance notes when under adult supervision or with parental permission documentation. He emphasized that the curfew Ordinance has decreased crime by juveniles and that a significant decrease in drive-by shootings had occurred. He requested that no changes be made to the Ordinance at this time. Officer Wiles responded that the Ordinance was a very valuable tool for the El Paso Police Officers to utilize.

Representative Cook explained that Police Officers use their discretion and noted that young people frequent restaurants following football games. He stated that suspicious activity drew officers' attention; subsequently he would support leave the Ordinance language as is.

Representative Sumrall suggested revising the Ordinance language for 17 year olds on Friday and Saturday as privilege comes with age.

Mayor Raymond C. Caballero suggested to hold the Legislative Review Committee Meeting of the Whole as both sides brought up very good points.

Representative Cobos remarked that the Ordinance punished those who follow rules.

Representative Power added that the Ordinance had probably saved many children and parents from heartaches and added his support for the Ordinance as currently written.

Representative Medina added why would Council Members want to weaken an Ordinance that had prevented crime.

Ms. Theresa Caballero, citizen, explained that families have the right to raise their children as they see fit, specifically, permitting their children to stay out late.

Representative Power questioned what procedure the Police Department followed when a child was out late after curfew.

Officer Wiles noted that the Ordinance applied to young people 17 and younger.

Motion made by Representative Sumrall, seconded by Representative Escobar and unanimously carried to approve the above Resolution.

.....
RESOLUTION

A RESOLUTION PURSUANT TO THE CITY DROUGHT AND WATER EMERGENCY MANAGEMENT RESPONSE PLAN, CHAPTER 15.13 WATER CONSERVATION ORDINANCE, DECLARING DROUGHT CONSERVATION METHODS BE IMPOSED EFFECTIVE SEPTEMBER 9, 2002.

WHEREAS, the General Manager of the El Paso Water Utilities reported to the El Paso Water Utilities Public Service Board (PSB) at its regular meeting, Wednesday, August 28, 2002, the nature and severity of a drought condition affecting the upper and middle Rio Grande; and,

WHEREAS, the PSB recommends the City Council declare a drought condition and authorize the imposition of Stage 1 drought response management actions; and,

WHEREAS, the PSB shall continually monitor the drought condition and promptly recommend to the City Council that the declaration be rescinded or modified as warranted by changing conditions.

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

The City Council hereby declares that Stage 1 drought conservation methods be adopted effective September 9, 2002. This declaration remains in effect and contingent upon the General Manager taking action limited to the following: voluntary reduction of 50% of indoor and outdoor water use; restaurants shall not serve water unless requested; increase public education by news releases and TV spots; and, the General Manager shall authorize additional job classifications to issue citations for violations of the Water Conservation Ordinance and the Drought and Water Emergency Management Response Plan. Other job classifications may be added to the list as necessary. Stage 1 drought response management actions shall remain in effect until such time as the Public Service Board again reports to the City Council regarding changing conditions.

Drought condition response actions for Stages 1, 2 and 3 under the Drought and Water Emergency Management Response Plan will be sent to a Public Working Committee for review and recommended changes.

Mr. Ed Archuleta, General Manager El Paso Water Utility and Public Service Board, presented a PowerPoint presentation and noted that the PSB would be addressing river drought due to lack of snowfall in Colorado and New Mexico.

Representative Sumrall requested information regarding the desalination plant to be built on Fort Bliss property.

Mr. Archuleta responded that the desalination plant was scheduled to be completed in the year 2005 and requested Council Members make recommendations of either organizations or individuals to be appointed to the Public Service Board's Public Working Committee.

Representative Sumrall suggested implementing fees for pool construction be set at such a level so as to discourage individuals from having pools built and that the revenue generated by this fee be given to the PSB to purchase water.

Mr. Archuleta responded that the filling of pools would be discussed under Stage 2 water restrictions and suggested pool owners fill their pools in the early Spring. Mr. Archuleta responded that the PSB could not inject water into the wells.

Representative Cook read into the record an article written in the Wall Street Journal and questioned why the City could not purchase water and inject into the aquifer located in Northeast El Paso. Representative Cook suggested Mr. Archuleta declare a drought next Spring.

Mr. Archuleta explained that as per Ordinance Council Members must declare water drought stages and explained that Stage I would be regarded as the "get ready for water drought" process.

Representative Cook requested that the PSB increase their psa's (public service announcements) therefore providing the community the pertinent information.

Mr. Archuleta responded that the PSB could increase their psa television spots without initiating Stage 1; however, without Stage 1 the impact would be less dramatic. He added that he would not implement any of the nine restrictions and noted that the PSB was not prohibiting the community from filling their pools.

Representative Cook questioned the number of additional personnel that would be issuing the water citations.

Mr. Archuleta remarked that the department currently has four individuals issuing water citations.

Representative Cook countered that it was the perception that the PSB was not taking the Ordinance seriously as the department authorized four individuals to issue the water citations.

Representative Escobar added that the City did not punish commercial water users and used the example of apartment complexes located on George Dieter, which allowed water wastefully to run into the street.

Mr. Archuleta responded that in Albuquerque water citations were added to the water service bill.

Ms. Richarda Duffy Momsen, Municipal Clerk, responded that it was her understanding that citations could not be included in the water service bill. She added she would review the methodologies utilized by the City of Albuquerque.

Representative Cook reiterated that issuing citations and increased public service announcements were perception and education issues for the PSB. He stated he would like the PSB's Working Committee to refine the list and added that he would not support issuing Stage 1 of the water drought unless and until all matters were discussed in their entirety.

Mr. Archuleta clarified that the plan was not for water drought but rather emergencies. He asked for Council Members to trust him, give him leeway and stated that he was the Water Manager for the City of El Paso. He asked that Council Members give him the authority, under Stage 1, to do what needs to be done.

Ms. Momsen explained that the proper person(s) must be cited and noted that in the case of an apartment complex receiving a water citation usually the maintenance workers were handed citations, clearly not the appropriate manner when issuing citation(s).

Ms. Anai Padilla, Water Conservation Manager Public Service Board, explained that enforcement takes place late at night and noted that the Judges usually gave customers 60 day probation. She stated that Municipal Court Judges were not supportive of the PSB as they would not assess even the minimum of fines. She noted that enforcement measures were difficult; however, the department was working with many organizations and was in communication with the many local school districts.

Mr. Ingle Southard, local pool builder, discussed how pool builders of the community could assist in saving water. Mr. Southard added that Mr. Archuleta had stated he would remove the swimming pool issue from Stage 1.

Mayor Raymond C. Caballero commended Mr. Southard on his ideas and requested that the Municipal Clerk exhibit Mr. Southard's ideas on the City's webpage.

Representative Sumrall clarified that the Council was trying to alleviate the dilemma and reiterated that the City was not in a drought emergency at this time; however, Mr. Archuleta was very concerned at this time. She requested that Stage 1 not be declared at this time.

Ms. Theresa Caballero, citizen, remarked that there was not a drought in the City of El Paso but stated that Stage 1 was the PSB's means of controlling the water. Ms. Caballero followed by stating that water was the most essential issue of life.

Mr. Alex Barrio, Mayfield Pool and Supply, noted that conserving water was a very important issue; however, he felt that Stage 1 was too critical in regard to the prohibition of individuals filling their pools. He suggested that members of the pool industry work with Mr. Archuleta somehow. He noted that the pool industry was always trying to save water and stated that pools could be filled every 15 years if the water was properly treated. He added that pool contractors build all year round.

Representative Power remarked that the mood of Council Members was not to induce Stage 1 Water Emergency but to implement changes, suggestions and restrictions.

Mayor Caballero questioned when the last time the river water situation was this bad. He also questioned where Ciudad Juarez received its water.

Mr. Archuleta responded never to the river situation and that the water received by Ciudad Juarez was 100% ground water.

Mayor Caballero made comments regarding the Hueco and Mesilla Bolsons, their water levels and the amount of recharge from the Bolsons. He noted that Stage 1 water restrictions would be strictly voluntary.

Mr. Archuleta read into the record a letter from Mr. Jack Hammond, State of Texas Rio Grande Compact Commissioner and explained that the letter was the basis as to why he was initiating Stage 1 and announced that El Paso had an impending water drought situation.

Representative Sumrall moved to approve Stage 1.

Representative Medina clarified that Stage 1 was all voluntary.

Mayor Caballero remarked that it would be prudent for the PSB not to implement any restrictions unless coming to the Council first and noted he would be in favor of approving the Resolution.

Representative Cook noted that it would be more prudent to send the Stage 1 restriction to the PSB's Working Committee and noted that car wash fundraiser language and other language would need to be removed from the Resolution. His request was to modify the Stage 1 restrictions rather than approve them today as it was his desire that the PSB's Working Committee review the document and that the public be made aware that the issue was very serious.

Representative Power explained that he was trustful of Mr. Archuleta but noted that the concern might be perceived that restrictions would go beyond that of being voluntary.

Representative Escobar pointed out that the community should conserve water; rather than having the price of water substantially raised at a future date.

Representative Sariñana stated that it was his concern that communication between the Water District and Mr. Archuleta improve and questioned when the City begins to utilize river water.

Mr. Archuleta responded that river water use began March 1st through October 1st, seven months.

Representative Sariñana questioned why the City could not be allotted more during the winter months.

Mr. Archuleta made remarks regarding the Upper Valley Sustainable Water Project.

Representative Cobos expressed that Council Members were in denial regarding the possibility of a future water drought and noted that many of the restrictions could be implemented today without the issuance of Stage 1. He commented on the El Paso County Water District No. 1 and questioned whether or not the City had procured its allotted water for this year.

Mr. Archuleta responded that the PSB could not carry water into a savings account and explained that the PSB was trying to utilize all surface water, not ground water. He noted that the PSB would be digging new wells and had greatly contributed to the future desalination plant.

Representative Cobos remarked that the government had been closing bases throughout the nation and questioned what economic impact would be felt by Fort Bliss in the event Stage 1 was approved by the City Council.

Mr. Archuleta responded that he had spoken with Congressman Silvestre Reyes and noted that Congressman Reyes was fully aware of the drought situation in West Texas. He noted that the PSB and Fort Bliss' working relationship was well established and added that with the implementation of the desalination plant water would be made more accessible.

Representative Cobos noted that the drought would affect residents of El Paso not Fort Bliss. He also asked whether or not the City could tap into those water wells.

Mr. Archuleta stated that Fort Bliss had their own wells and responded that the City would drill wells on Fort Bliss property; however, the water was brackish and not fresh. He added that 90% of Fort Bliss' water was their own; however, El Paso did sell water to Fort Bliss.

Representative Cobos stated that it was his desire to reconvene the PSB's Working Committee and redraft the restrictions as such and moved to postpone the matter until the Working Committee was functioning. There was no second to his motion.

Representative Sumrall moved to send Stage 1 water restrictions to the PSB's Working Committee, to determine how the Stages would be drafted and to declare Stage 1 Drought Conservations methods be adopted but limited to: voluntary reduction to 50%, prohibiting restaurants from serving water; increasing public education; and citing the public for violations with more staff. Representative Power seconded.

Motion made by Representative Sumrall, seconded by Representative Power and unanimously carried to approve the above Resolution.

.....
*Motion made, seconded and unanimously carried to postpone two (2) weeks the Discussion and action on transferring the building maintenance function of the Library to Parks Department and allocating the appropriate resources. (Representative Power)
.....

*Motion made, seconded and unanimously carried to postpone four (4) weeks the Discussion and action and Resolution - Program change regarding refinancing in the Housing Program Handbook, Chapter 3, Owner Occupied Residence. (Leopoldo E. Sierra)

.....
Motion made by Representative Sariñana, seconded by Representative Power and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance amending Title 5 (Business Taxes, Licenses And Regulations), by adding a new Chapter 5.32 (Public Swimming Pool Licenses), to provide for the licensing of Public Swimming Pools and Public Spas. The Penalty being as provided herein.
- B. An Ordinance to amend Title 9 (Health & Safety), Chapter 9.48 (Swimming Pools) in its entirety and to create a new Chapter 9.48 (Public Swimming Pools & Spas). The Penalty being as provided herein.
- C. An Ordinance amending Ordinance No. 15184 that established the duties of the Financial and Administrative Services Department to remove the supervision by the Department over the City's Technology functions.

PUBLIC HEARING WILL BE HELD SEPTEMBER 17, 2002 FOR ITEMS A – C

- D. An Ordinance changing the zoning of the East ½ of Lots 11, 12 & 13, Block 229, CAMPBELL ADDITION, El Paso, El Paso County, Texas, (606 East Mills Avenue) from M-1 (Manufacturing) to C-5 (Commercial). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant/Representative: Jorge Mora & Mauricio Mora, 3697 Desert Meadows, El Paso, TX 79938. ZC-02024
- E. An Ordinance granting Special Permit No. SU-02007 to allow for a parking reduction on the property described as the East 1/2 of Lots 11, 12 & 13, Block 229, CAMPBELL ADDITION, El Paso, El Paso County, Texas (606 East Mills Avenue), pursuant to Section 20.64.175, and the penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. ZONE: C-5 (Commercial). Applicant/Representative: Jorge Mora & Mauricio Mora, 3697 Desert Meadows, El Paso, TX 79938
- F. An Ordinance changing the zoning of a Portion of Lots 17, 18, 19 and 20, Block 3, MIRAFLOR ADDITION, El Paso, El Paso County, Texas (503 - 505 Estrella Street) from A-3 (Apartment) to C-1 (Commercial). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Elva Rocha / Representative: Luis de la Cruz, 9013 Lait Dr., El Paso, TX 79925. ZC-02025 **THIS IS AN APPEAL CASE**
- G. An Ordinance changing the zoning of Lot 57, Block 2, ALEXANDER, El Paso, El Paso County, Texas (326 Gonzales Street) from R-4 (Residential) to R-5 (Residential). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Daniel Alderete/ Representative: Luis de la Cruz, 9013 Lait Dr., El Paso, TX 79925. ZC-02026
- H. An Ordinance changing the zoning of a Portion of Lots 12 & 13, Block 7, NORTH LOOP GARDENS NO. 1, El Paso, El Paso County, Texas (7813 North Loop Drive) from A-2 (Apartment) to C-4 (Commercial). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Joe Candelaria / Representative: Luis de la Cruz, 9013 Lait Dr., El Paso, TX 79925. ZC-02027 **THIS IS AN APPEAL CASE**

- I. An Ordinance changing the zoning of Lot 12 and a Portion of Lot 13, Block 60, FRANKLIN HEIGHTS ADDITION, El Paso, El Paso County, Texas (1522 Montana Avenue) from A-2 (Apartment) to S-D (Special Development) and imposing certain conditions. The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Jorge Villa / Representative: Luis de la Cruz, 9013 Lait Dr., El Paso, TX 79925. ZC-02028

PUBLIC HEARING WILL BE HELD SEPTEMBER 24, 2002 FOR ITEMS D – I

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

ADDITION TO THE AGENDA

*Motion made, seconded and unanimously carried to postpone one (1) week the Resolution that the Mayor is hereby authorized to sign, on behalf of the City, a Local Transportation Project Advance Funding Agreement between the City of El Paso and the State of Texas, on behalf of the Texas Department of Transportation, for a Congestion Mitigation and Air Quality (CMAQ) Project to provide public awareness citywide and public outreach via various local radio, television, and newspaper media concerning the daily condition of the ozone of greater El Paso and to recommend alternatives to eliminate contaminant output and minimize ozone exposure; and that the Mayor is hereby authorized to execute any necessary budget transfers to accomplish the intent of this Resolution.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign an Amendment to Co-Sponsorship Agreement between and among the City of El Paso, the El Paso Holocaust Museum and Study Center, and the YWCA El Paso del Norte Region for an event commemorating the victims of the terrorist attacks of September 11, 2001, and featuring a speech by civil rights attorney Morris Dees. The event is scheduled to take place on September 11, 2002, at the Judson F. Williams Convention Center. Under the terms of the Amendment, the City will contribute \$3,000 to cover a portion of the costs of the event.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign and submit a grant application form for a COPS Creating a Culture of Integrity Initiative Grant from the U.S. Department of Justice, Office of Community Oriented Policing Services, in the revised amount of \$125,000.00 (an increase of \$50,000.00) for the purpose of implementing a Multi-Agency Referral System Program by the Police Department. No matching funds required.

Motion made by Representative Power, seconded by Representative Escobar and unanimously carried that the City Council retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

Section 551.071 CONSULTATION WITH ATTORNEY
Section 551.072 DELIBERATION REGARDING REAL PROPERTY
Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074 PERSONNEL MATTERS
Section 551.076 DELIBERATION REGARDING SECURITY DEVICES

- A. Mary Carmen, et. al., 02-COL-009 (551.071)
- B. John & Terry Carroll, 02-COL-008 (551.071)
- C. Eddie E. Bernal vs. El Paso City-County Health and Environmental District, Cause No. 99-1901, Our File No. 99-S-33 (551.071)

Motion made by Representative Cook, seconded by Representative Rodriguez and unanimously carried to adjourn the Executive Session and reconvene the meeting of the City Council, during which time motions were made as follows:

.....
No action was taken regarding Mary Carmen, et. al., 02-COL-009 (551.071)
.....

.....
No action was taken regarding John & Terry Carroll, 02-COL-008 (551.071)
.....

Motion made by Representative Medina, seconded by Representative Cook and carried that the City Attorney's Office be **AUTHORIZED SETTLEMENT AUTHORITY** in the case entitled **EDDIE E. BERNAL vs. THE EL PASO CITY-COUNTY HEALTH AND ENVIRONMENTAL DISTRICT**; Cause No. 99-1901; Our File No. 99-S-33.

.....
Motion made by Representative Cook, seconded by Representative Sumrall and unanimously carried to adjourn this meeting at 1:19 p.m.
.....

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:



Richarda D. Momsen, City Clerk



Lisa A. Elizondo, City Attorney